

REMARKS

The above listing of claims identifies the status of the claims after the response to the restriction requirement below. Where restriction has been accepted, the claims are identified as "withdrawn". Where the restriction has been traversed, no modification to the status of the claims has been made. No amendments have been made to the language of the claims.

Restriction Requirement

The present office action includes a restriction requirement, identifying the following claim groups:

Group 1	Claims 1-49 -- drawn to a yarn carrier or a yarn catch insert, classified in class 242, subclass 476.6; and
Group 2	Claims 1-51 -- drawn to an apparatus for forming a hole in a hollow cylindrical tube, classified in class 493, subclass 340.

Applicants elect, without traverse, Group I (claims 1-49) drawn to a yarn carrier or yarn catch insert. Applicants request favorable consideration of the elected claims.

Species Restriction

Claims 1-49 have been further restricted according to seven species identified with reference to the various figures in the application.

Applicants elects, with traverse, Group IV (Figs. 14-18, 19A, and 19B). It is respectfully submitted that the following claims are readable on the selected Group IV species: Claims 12 - 22, 33 - 36 and 37-43.

It is asserted in the office action that there are no generic claims. However, it is respectfully submitted that Claims 33-35 are generic to at least Groups IV, V, and VII. The additional claims corresponding to these identified groups are as follows:

Group V	Claims: 23-31, 32 and 36
Group VII	Claims: 23-31, 32, 36, and 37-43

With reference to the above claim designation, it is asserted in the office action that Groups V and VII, corresponding to Figures 20-24 and Figure 29, respectively, show distinct species. However, the same insert is included therein with the only difference being that a multi-layer tube is shown in Figure 29. This distinction is not made with respect to Figures 14-18 and Figures 19A and 19B, however. Also, Claims 37-43 read on Figures 19A and 19B of Group IV, as well as Figure 29 of Group VII. Thus, it is not clear why a distinction is being made relative to Groups V and VII. (See also Figure 26.)

Should the species restriction be maintained and should the generic claim be found allowable, the above identified claims should also be issued with the patent.

Applicants respectfully traverse the election of species requirement. In requiring an election of species, the office action must provide “(A) the reasons (as distinguished from the mere statement of conclusion) why the inventions *as claimed* are either independent or distinct; and (B) the reasons for insisting upon restriction therebetween.” See MPEP 808. The March 10, 2005 office action failed to do either. Instead, the office action merely provided a laundry list of so-called species and requires that the Applicants elect a single disclosed species therefrom without having the benefit of the required office action elements to which the Applicants could respond.

There is a clear relationship between the identified species, despite the structural differences. The examiner has made no allegation of unpatentability of one species over the other. Thus, the election of species requirement as presented is incomplete and improper.

Reconsideration of the species restriction in view of the above comments is respectfully requested.

Conclusion

Applicants respectfully request favorable consideration of (at least) the elected claims. If direct communication will expedite the allowance of the application, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

ISMAEL A. HERNANDEZ, ET AL.

By: 
THOMAS J. DURLING
Registration No. 31,349
DRINKER BIDDLE & REATH LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Phone: (215) 988-3307
Fax: (215) 988-2757
Attorney for Applicants